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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Attn: Office of Petitions	Marcel K. Bingham
COMPANY:	DATE:
USPTO	DECEMBER 11, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(571) 273-8300	17
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	50277-2406
RE:	U.S. SERIAL NUMBER:
Reconsideration of Holding of Abandonment	10/786,941

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

## Attached please find:

1. Request for Reconsideration on Decision to Dismiss Petition for Withdrawal of the Holding of Abandonment
2. Statement by Ms. Martina Placid Regarding Petition for Withdrawal of the Holding of Abandonment
3. Declaration of Yury A. Perzov in Support of Petition for Withdrawal of the Holding of Abandonment (with Exhibit 1 and Exhibit 2)

Marcel K. Bingham

THE INFORMATION CONTAINED IN THIS FACSIMILE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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Application of Daniel Manhung WONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

Attorney Docket No. 50277-2406

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Confirmation No.: 3803

Daniel Manhung Wong

Examiner: Michael Pham

Serial No.: 10/786,941

Group Art Unit No.: 2167

Filed: February 24, 2004

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

**REQUEST FOR RECONSIDERATION ON DECISION TO DISMISS PETITION  
FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**

**UNDER 37 CFR § 1.181(a)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant has received the decision to the above aforementioned petition. The decision dismissed the petition, stating Applicant was relying upon a certificate of mailing and Applicant had not furnished the personal knowledge statement, by the one making the certification, attesting to the timely mailing. Since such a statement was not provided, the petition was dismissed.

Applicant is furnishing such a statement by Ms. Martina Placid, who signed the certificate of mailing affixed to the Office Action response mailed April 24<sup>th</sup>, 2007, a copy of which has been made of record in Exhibit 1.

With all the requirements of 1.8(b) having been met, Applicant respectfully requests granting of the petition.


Application of Daniel Manhung WONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to pay any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

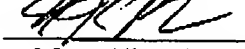
Date: December 11, 2007

  
Marcel K. Bingham  
Reg. No. 42,327

2055 Gateway Place  
San Jose, CA 95110  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax No. (571) 273-8300.

on December 11, 2007 by   
Marcel K. Bingham

Application of Daniel Manhung WONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

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Attorney Docket No. 50277-2406

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Confirmation No.: 3803

Daniel Manhung Wong

Examiner: MICHAEL PHAM

Serial No.: 10/786,941

Group Art Unit No.: 2167

Filed: February 24, 2004

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

**STATEMENT BY MS. MARTINA PLACID**

**REGARDING PETITION FOR WITHDRAWAL OF THE HOLDING OF  
ABANDONMENT**

**UNDER 37 CFR § 1.181(a)**

Hon. Commissioner for Patents  
Mail Stop Amendments  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On April, 24<sup>th</sup>, 2007, I timely mailed the Office Action Response, a copy of which has been made of record and submitted as part of Exhibit 1. I mailed the Office Action Response in the manner prescribed by the certificate of mailing on the Office Action Response.

I executed the certificate on April 24<sup>th</sup>, 2007.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are to be true; and further that these statements were made with knowledge that willful false statements and the like so made are

Application of Daniel Manhung WONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,

Date: 12/7/07

Martina Placid  
Ms. Martina Placid

2055 Gateway Place  
San Jose, CA 95110  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

Attachment - Declaration of Yury A. Perzov with Two Exhibits

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**DEC 11 2007**

Attorney Docket No. 50277-2406

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Confirmation No.: 3803

Daniel Manhung Wong

Examiner: VAUTROT, DENNIS L

Serial No.: 10/786,941

Group Art Unit No.: 2167

Filed: February 24, 2004

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

**DECLARATION OF YURY A. PERZOV IN SUPPORT OF**  
**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT**  
**UNDER 37 CFR § 1.181(a)**

Hon. Commissioner for Patents  
Mail Stop AF  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Yury A. Perzov, hereby declare as follows:

1. I am a registered patent agent (Reg. No. 58,547) at the law firm of Hickman, Palermo, Truong & Becker LLP and an Attorney of Record for the above-identified application entitled SENDING CONTROL INFORMATION WITH DATABASE STATEMENT.

2. On April 24, 2007, I filed a Reply to Office Action (which included a Transmittal with Fee Authorization, and a Return Acknowledgement Postcard) in response to the Office Action mailed January 24, 2007, for which a reply was due by April 24, 2007 (see Exhibit 1).

Application of Daniel Manhungs ONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Declaration of Christopher J. Palermo in Support of  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

3. The Acknowledgement Receipt Postcard that was included with the Reply to Office Action mailed on April 24, 2007 was received by the law firm of Hickman Palermo Truong and Becker on April 30, 2007 from the U.S. Patent and Trademark Office (USPTO), said Acknowledgement Receipt Postcard showing a stamp by the Office of Initial Patent Examination (OIPE) of the USPTO indicating that the Reply to Office Action was received by the USPTO on A (see Exhibit 2).

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are to be true; and further that these statements were made with knowledge that willful false statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: 9/24/2007

Yury A. Perzov  
Yury A. Perzov  
Reg. No. 58,547

Exhibit 1 - Copy of Reply to Office Action Mailed on April 24, 2007

Exhibit 2 - Copy of Acknowledgement Receipt Postcard Dated April 24, 2007

Application of Daniel Manhung, /ONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Declaration of Christopher J. Palermo in Support of  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

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# **Exhibit 1:**

## **Copy of Reply to Office Action Mailed on January 24, 2007**

**(including the Transmittal with Fee Authorization and the Return  
Acknowledgement Postcard that were included with the Reply to Office  
Action mailed on January 24, 2007)**



## Acknowledgment Receipt

Mailing Date: April 24, 2007  
Attorney Docket No. 50277-2406  
Serial No.: 10/786,941

Attorney: YAP/mp  
First Class Mail

Inventors: Daniel ManHung Wong  
Title: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

## Documents Enclosed:

- 1) Transmittal (1 page)
- 2) Amendment and Response (5 pages)
- 3) Return receipt postcard

Kindly stamp the receipt date and return to addresses to acknowledge receipt of the above documents.

OID 2003-249-01

## Acknowledgment Receipt

Mailing Date: April 24, 2007  
Attorney Docket No. 50277-2406  
Serial No.: 10/786,941

Attorney: YAP/mp  
First Class Mail

Inventors: Daniel ManHung Wong  
Title: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

## Documents Enclosed:

- 1) Transmittal (1 page)
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PTO/SB/21 (08-04)

Approved for use through 07/31/2008. OMS 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/768,941
	Filing Date	February 24, 2004
	First Named Inventor	Daniel Manhung Wong
	Art Unit	2167
	Examiner Name	Dennis L. Vautrot
	Attorney Docket Number	50277-2406
Total Number of Pages in This Submission		6

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard
<b>Remarks</b> The Director is hereby authorized to charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 to Deposit Account Number 50-1302 Deposit Account Name: Hickman Palermo Truong & Becker LLP		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hickman Palermo Truong & Becker LLP		
Signature	<i>Yury A. Perzov</i>		
Printed name	Yury A. Perzov		
Date	April 24, 2007	Reg. No.	58,547

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Martina Placid</i>		
Typed or printed name	Martina Placid	Date	April 24, 2007

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OID-2003-249-01

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Attorney Docket No. 50277-2406

AMENDMENT UNDER 37 C.F.R. § 1.111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 3803

Daniel Manhung Wong

Examiner: VAUTROT, DENNIS L

Serial No.: 10/768,941

Group Art Unit No.: 2167

Filed: February 24, 2004

For: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

Sir:

This is in response to the Office Action mailed January 24, 2007 (Part of Paper No./Mail Date 20070116), the shortened statutory period for which runs until April 24, 2007.

Please revise the subject application as indicated below.

Remarks/Arguments begin on page 2 of this paper.

Attorney Docket No. 50277-2406

REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search and consideration of the arguments.

No claims have been added, cancelled, or amended. Hence, Claims 1-26 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-2, 7-9, 14-15, and 19-21 were rejected under were rejected under U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. US 2004/0254948 to Yao (hereinafter "Yao").

Claims 3, 4, 6, 10-12, 16, 18, 22-24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yao in further view of U.S. Patent Application Publication No. US 2001/0021929.

THE REJECTIONS BASED ON THE PRIOR ART

Claims 1-2, 7-9, 14-15, and 19-21 were rejected under U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. US 2004/0254948 to Yao (hereinafter "Yao").

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131 "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Id.*, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053

Claims 1 and 14 contain a number of features not inherently or expressly described in the prior art reference by Yao and therefore render the claims allowable.

Claims 1 and 14 recite:

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a database server receiving a request to execute a database statement, wherein the request specifies the database statement and a tag that does not conform to a database language;  
wherein said tag specifies at least one parameter field and at least one parameter value;  
in response to receiving the request, said database server storing the tag;  
said database server executing said database statement, wherein during execution of said database statement said database server provides access to one or more of the at least one parameter values through a tag access mechanism provided by said database server.

One feature not taught or suggested by Yao is "a database server receiving a request to execute a database statement, wherein the request specifies the database statement and a tag that does not conform to a database language." In a system described by Yao, the database server does not receive a request specifying a database statement and tags that do not conform to a database language. Furthermore the "tags" as described by Yao do conform to a database language.

Yao describes a system for efficiently performing extraction, transformation and loading (ETL) of data between an operational system and a data warehouse. The ETL system contains an ETL Driver Module, SQL Decomposition Database, and an Enterprise System Interface, FIG 4. Yao. The ETL system takes as an input an ETL SQL file which contains SQL statements and tags, and transforms the SQL statements to a new set of SQL statements.

Neither the SQL Decomposition Database nor the Enterprise System Interface receives a request specifying a database statement and a tag that does not conform to a database language because the tags are consumed by the ETL driver. Specifically, with respect to the SQL Decomposition Database the ETL driver module uses the interpreted tags as keys to look up command instructions. "The SQL decomposition database 465 stores command instructions in association with recognized command tags. By matching the command tags identified in a SQL

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file 440 to command tags identified in the SQL definition database 465, associated command instructions may be identified." In order to perform a database match or lookup, the tag must be used as a key and therefore the tag is a part of the database statement conforming to the database language.

The tags are not passed to the Enterprise System Interface either. The ETL driver module uses the tags along with command instructions to transform the SQL statements contained in the ETL SQL file to a plurality of SQL statements which can be more efficiently executed. It is the plurality of SQL statements, sans tags that are passed to the enterprise system interface. "Based on the command instruction tags and tag parameters, the ETL driver module 460 decomposes the SQL instructions into modified SQL instructions that may be performed in a more efficient manner. The modified SQL instructions are executed on the operational data of the enterprise transient system 410 via the enterprise system interface 470."

Furthermore tags contained in ETL SQL file as taught by Yao do conform to a database language. The tags take the form of SQL comments. "The tags, in a preferred embodiment, are made part of comments in the ETL SQL file 440. Since they are in comments, known mechanisms will ignore the tags present in comments such that the known mechanisms may execute and test the ETL SQL file 440 under a command line environment." [0046].

Another feature not taught or suggested by Yao is "said database server executing said database statement, wherein during execution of said database statement said database server provides access to one or more of the at least one parameter values through a tag access mechanism provided by said database server." As described earlier, Yao does not suggest or teach that any of the databases in the ETL system receive requests specifying a database statement and a tag that does not conform to a database language. Because neither database receives requests and tags, neither database could possibly reference the tags. And even if the

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Attorney Docket No. 50277-2406

database server were to receive tags as specified by Yao, the tags will be treated as comments by the database server and discarded by the database server.

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Yury A. Perzov  
Yury A. Perzov  
Reg. No. 58,547

2055 Gateway Place, Suite 550  
San Jose, CA 95110  
(408) 414-1080  
Date: April 24, 2007  
Facsimile: (408) 414-1076

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on APR 24, 2007

by Martina Placid  
Martina Placid

OID-2003-249-01

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Application of Daniel Manhung, WONG  
U.S. Serial No. 10/786,941; Filed: February 24, 2004  
Declaration of Christopher J. Palermo in Support of  
Petition for Withdrawal of the Holding of Abandonment under 37 CFR §1.181(a)

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## **Exhibit 2:**

**Copy of Acknowledgement Receipt  
Postcard Sent that was sent with the Reply  
to Office Action on April 24, 2007 and  
Returned by the USPTO Indicating a  
Received Date of April 26, 2007**



## Acknowledgment Receipt

Mailing Date: April 24, 2007  
Attorney Docket No. 50277-2406  
Serial No.: 10/786,941

Attorney: YAP/mp  
First Class Mail

Inventors: Daniel ManHung Wong

Title: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

## Documents Enclosed:

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- 2) Amendment and Response (5 pages)
- 3) Return receipt postcard

*Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.*

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## Acknowledgment Receipt

Mailing Date: April 24, 2007  
Attorney Docket No. 50277-2406  
Serial No.: 10/786,941

Attorney: YAP/mp  
First Class Mail

Inventors: Daniel ManHung Wong

Title: SENDING CONTROL INFORMATION WITH DATABASE STATEMENT

## Documents Enclosed:

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